

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
By: SHARON FRASE (SF-4906)  
Assistant United States Attorney  
One Saint Andrew's Plaza  
New York, NY 10007  
Tel. (212) 637-2329

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA, : PROOF OF SERVICE  
- v - : 07 Civ. 11160 (JGK)  
\$6,700.00 IN UNITED STATES :  
CURRENCY, :  
: Defendant-in-rem. :  
-----X

Abigail Seda deposes and says:

That she is employed with FSA in the Office of the United States Attorney for the Southern District of New York.

That on May 19, 2008, she served one copy of the Order to Show Cause and related papers in the manner set forth in the Order docketed on May 20, 2008 (a copy of which is attached hereto as Exhibit A).

That according to the online records of the United States Postal Service (a copy of which is provided in Exhibit B hereto), the packages addressed to Hector Chalas, Justo Oviedo Baez (at two different locations), Scott Schwartz, Esq., and Edward Donlon, Esq. were delivered.

That according to the online records of the United States Postal Service (a copy of which is provided in Exhibit C hereto), the packages addressed to Jesus Martinez Diaz and Ismael Canela delivery was attempted on May 20, 2008, and a notice was left at the address.

I declare under penalty of perjury that the foregoing is true and correct. 28 U.S.C. § 1746.

Abigail Seda  
ABIGAIL SEDA

Dated: May 28, 2008  
New York, New York

# EXHIBIT

# A

MICHAEL J. GARCIA  
 United States Attorney for the  
 Southern District of New York  
 By: SHARON FRASE (SF-4906)  
 Assistant United States Attorney  
 One Saint Andrew's Plaza  
 New York, NY 10007  
 Tel. (212) 637-2329

USDS SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #: \_\_\_\_\_  
 DATE FILED: 5/28/2008

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----x  
 UNITED STATES OF AMERICA, :

: - v -

: \$6,700 in United States currency,

: AMENDED

: ORDER TO SHOW CAUSE

: 07 Civ. 11160 (JGK)

: Defendant-in-Rem

-----x  
 Upon the motion of plaintiff United States of America  
 for a default judgment and upon the annexed Declaration of Sharon  
 Frase, Assistant United States Attorney, together with all  
 exhibits attached thereto, it is hereby:

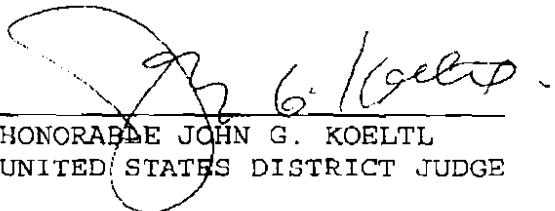
ORDERED that Assistant United States Attorney Sharon  
 Frase and any individuals and entities who wish to oppose  
 plaintiff's claim for forfeiture and assert an interest in the  
 defendant-in-rem funds appear before the Honorable John G.  
 Koeltl, United States District Judge, Southern District of New  
 York, in Courtroom 12B of the United States Courthouse, 500 Pearl  
 Street, New York, New York, at 11 <sup>30</sup> A.m. on the 30 day of  
Mary, 2008, to show cause why a default judgment should  
 not be entered and the defendant-in-rem funds forfeited to the

plaintiff United States of America according to law; and it is further

ORDERED that a copy of this Order and the papers upon which it is based shall be served by May 19, 2008, upon any individual and/or entity known by the plaintiff to have an alleged interest in the defendants-in-rem by certified mail or Federal Express.

Dated: New York, New York  
April, 2008

May 16, 2008

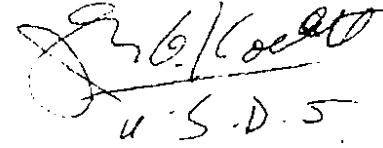
  
HONORABLE JOHN G. KOELTL  
UNITED STATES DISTRICT JUDGE

All those with an interest in the sum to be forfeited are advised that failure to respond to this order to show cause may be grounds for a default judgment being entered against it, in which event there will be no trial.

The Government shall file proof of service this order & show cause by May 28, 2008

2

so ordered

5/20/08   
U.S.D.S.

**Exhibit 1**

Hector Chalas	Ismael Canela, [REDACTED]
Bronx, NY, 10456	Bronx, NY 10452
Edward Donlon, Esq. 67 Wall Street, 22 <sup>nd</sup> Fl. New York, NY 10005	Jesus Martinez Diaz [REDACTED]
Scott Schwartz, Esq. 67 Wall Street, Suite 2211 New York, NY 10005	Bronx, NY 10455; Justo Oviedo Baez [REDACTED]
Justo Oviedo Baez [REDACTED] New York, NY 10031	Bronx, NY 10456

# **EXHIBIT**

# **B**


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## Track & Confirm

### Search Results

Label/Receipt Number: **7003 2260 0000 4034 5048**

Status: **Delivered**

Your item was delivered at 3:11 PM on May 20, 2008 in BRONX, NY 10456.

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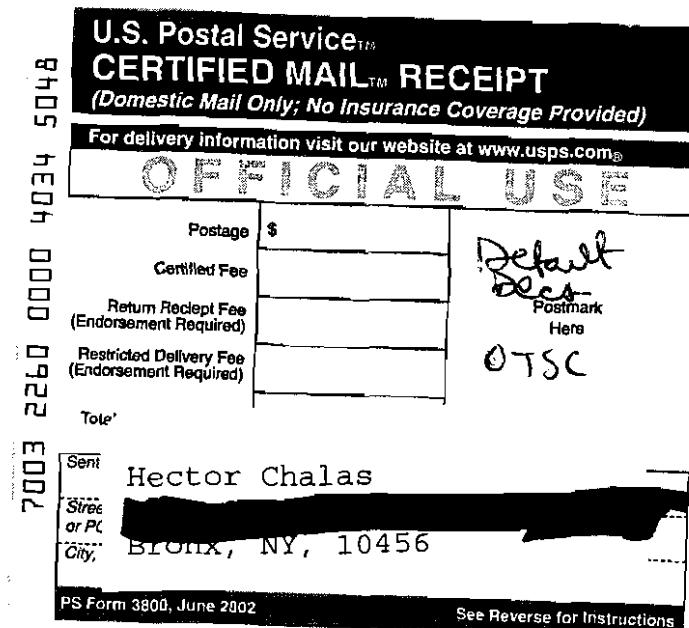
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## Track & Confirm

### Search Results

Label/Receipt Number: 7003 2260 0000 4034 4997

Status: Delivered

Your item was delivered at 3:13 PM on May 20, 2008 in BRONX, NY 10456.

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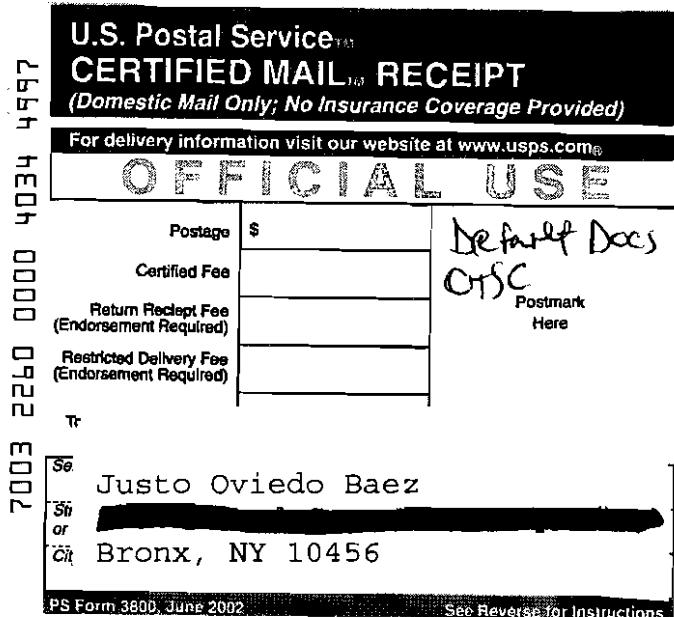
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## Track & Confirm

### Search Results

Label/Receipt Number: **7003 2260 0000 4034 4980**

Status: **Delivered**

Your item was delivered at 12:44 PM on May 27, 2008 in NEW YORK, NY 10007.

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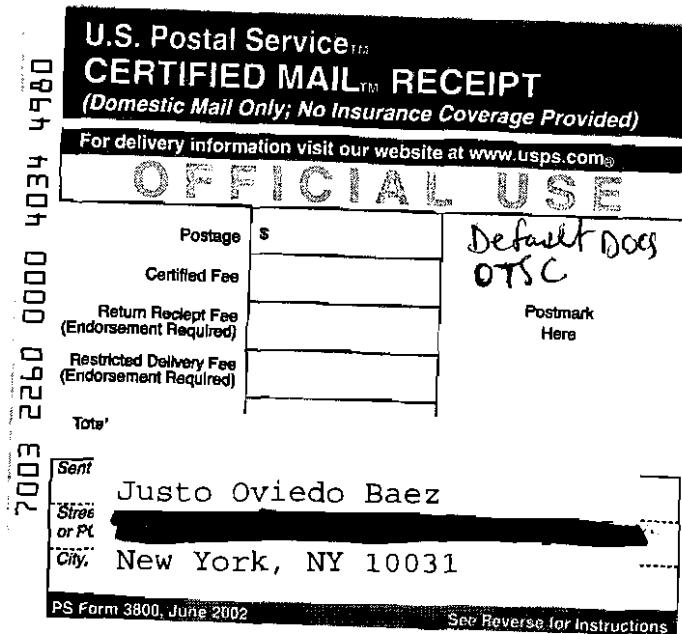
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## Track & Confirm

### Search Results

Label/Receipt Number: 7003 2260 0000 4034 5024

Status: Delivered

Your item was delivered at 9:38 AM on May 22, 2008 in NEW YORK, NY 10005.

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For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> ®		
<b>OFFICIAL USE</b>		
4034 5024 0000 0000 2260 7003	Postage \$  Certified Fee  Return Receipt Fee (Endorsement Required)  Restricted Delivery Fee (Endorsement Required)	Default Pcs OTSC  Postmark Here
	Total Pcs	
	Sent To: <b>Edward Donlon, Esq.</b> Street, Apt. or PO Box City, State	
	New York, NY 10005	
PS Form 3800, June 2002      See Reverse for Instructions		

# EXHIBIT C


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## Track & Confirm

### Search Results

Label/Receipt Number: 7003 2260 0000 4034 5017

Status: **Notice Left**

We attempted to deliver your item at 12:11 PM on May 20, 2008 in BRONX, NY 10455 and a notice was left. It can be redelivered or picked up at the Post Office. If the item is unclaimed, it will be returned to the sender. Information, if available, is updated every evening. Please check again later.

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**OFFICIAL USE**

Postage	\$	Default does OTSC
Certified Fee		
Return Receipt Fee (Endorsement Required)		Postmark Here
Restricted Delivery Fee (Endorsement Required)		

Total P Jesus Martinez Diaz

Sent To [REDACTED]  
Street, A  
or PO Box  
City, State

PS Form 3800, June 2002

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## Track & Confirm

### Search Results

Label/Receipt Number: 7003 2260 0000 4034 5031

Status: **Notice Left**

We attempted to deliver your item at 2:57 PM on May 20, 2008 in BRONX, NY 10452 and a notice was left. It can be redelivered or picked up at the Post Office. If the item is unclaimed, it will be returned to the sender. Information, if available, is updated every evening. Please check again later.

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<b>OFFICIAL USE</b>	
4034	Postage \$
0000	Certified Fee
0262	Return Receipt Fee (Endorsement Required)
7002	Restricted Delivery Fee (Endorsement Required)
33	Total Postage & Fees \$
Ismael Canela Bronx, NY 10452	
<small>PS Form 3800, 6-8-02</small>	
<small>See reverse side for details</small>	

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- v -

\$6,700 in United States Currency

Defendant-in-rem.

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**PROOF OF SERVICE**  
**07 Civ. 11160 (JGK)**

---

MICHAEL J. GARCIA  
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Southern District of New York  
Attorney for the United States of America  
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(212) 637-2329

SHARON FRASE  
**Assistant United States Attorney**  
**-Of Counsel-**